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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,035	07/16/2003	Mihir Y. Sambhus	03226.511001;SUN030087	2254
32615	7590	10/10/2006	EXAMINER	
OSHA LIANG L.L.P./SUN 1221 MCKINNEY, SUITE 2800 HOUSTON, TX 77010			MYINT, DENNIS Y	
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DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/622,035	Applicant(s) SAMBHUS ET AL.	
	Examiner Dennis Myint	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,6 and 28-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6 and 28-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Applicant's Amendment, filed on 10 May 2006 and Applicant's response to the requirement for election/restriction files on 03 August 2006.
2. Claims 1, 5-7, 11—12, 14, 18-19, and 25-36 were pending. Claims 7, 11-12. 14. 18-19, 21, and 25-26 have been withdrawn. *Claims 1, 5, 6, and 28-36 remain pending.* Claims 1, 29, and 33 are independent claims.

Response to Arguments

3. Applicant's arguments with respect to claim 82-84 have been considered but are moot in view of the new ground(s) of rejection.

Referring to claim 1, Applicant argues that *Leamon does not teach or suggest Obtaining. a second markup of the second channel of content and aggregating the second markup and the third mark up to create a front page* (Applicant's argument Page9). Concerning this argument, the Applicant clarified the mended claim 1 as *Specifically, a first markup of a first channel of content, encoded in a generic markup language, is obtained and subsequently rendered to a device-specific markup language associated with an access device. Further, a second markup of a second channel content, already encoded in the device-specific markup language, is also obtained. Since the second markup is already encoded in the device-specific markup language, it does not need rendering. The portal server uses the rendered and non-rendered*

markups to create an aggregated front page for the presentation to the access device
(Applicant's argument, Page 8).

Based on the amended claim 1 and the above-mentioned clarification, new groups (s) of rejection is introduced in the following sections, namely, U.S. Patent Application Publication Number 2002/0161928, Ndili), which teaches providing device-specific content without involving a generic markup and subsequent rendering of said generic markup into a device-specific markup.

Regarding claim 5, Applicant argues that *Since Hoekstra is directed to customizing only a single of content, Hoekstra does not provide any teaching of a first channel of content and a second channel of content as claimed.* The issue of a plurality of channels, namely a first channel of content and a second channel of content, is addressed in the new grounds of rejection concerning claim 1 in the following section, wherein a first channel of content is provided by Leamon reference and a second channel of content is provided by Ndili reference.

Because of the amendments made, new grounds of rejection are introduced in the following sections.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 5, 29, 30, 33, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Leamon et al. (hereinafter "Leamon")(U.S. Patent Application Publication Number 2002/0107891) in view of Ndili et al. (hereinafter "Ndili") (U.S. Patent Application Publication Number 2002/0161928).

Referring to claim 1, Leamon is directed to a method for providing customizable client aware content aggregation and rendering in a portal server (Paragraphs 018-23) and teaches the limitations:

“receiving a request, by the portal server, to provide a first channel of content” (Figure 2A: *Client 04A*, Figure 4: *Request 100*, Figure 7: *Receive Request for Data 702*, , and Paragraphs 0019-0021 and 0025-0030 , i.e., *the request is received at the rendering engine 60*)

““obtaining a first markup of the first channel of content wherein the first markup is encoded in a generic markup language and” (Figure 2A: *Standard Markup Language*, and Paragraph 0019, i.e. *electronically in a standard markup language format*) and

““forwarding the first markup to a rendering engine to obtain a third markup of the first channel of content, wherein the third markup is encoded in the device-specific markup language” (Figure 2A: *Rendering Engine 60* and Paragraph 0020, i.e., *The rendering engine 60 operates on the pre-formatted information by passing it through a format transformation process designed to reformat the information into a display format compatible with the particular client 40A that requested the information.*).; and

“communicating the front page to the access device” (Paragraph 0019-0020 and Paragraph 0025-0030).

Leamon does not explicitly disclose that limitations: “a second channel of content”; “a second markup of the second channel of content⁶; and “the second markup is encoded in a device-specific markup language associated with an access device”.

Ndili teaches the limitations:

“a second channel of content” (Figure 1: *Content Engine* and *Mobile Device 120*, and Paragraph 0046-0048, i.e., *a Content Engine 110 and Mobile Device 120*);

“a second markup of the second channel of content” (Paragraph 0048 i.e., a *wireless markup language including for example wireless mark-up language (WML)*); and

“the second markup is encoded in a device-specific markup language associated with an access device” (Paragraphs 0078-0081, i.e., *In step 420, the content retrieved from the IP site is converted and segmented according to the memory allotment. and The size of the segments allows each segment to be displayed in its entirety as one page on mobile device 120.*).

At the time the invention was made, it would have obvious to a person of ordinary skill in the art to combine the method of Leamon, in which a first channel of content provides a first markup which is subsequently submitted to a rendering engine which converts the first markup into a third markup which is device-specific, with the method of Ndili, in which a second channel of content provides an already encoded, device-specific markup, so that, the combined method would comprise the step of “aggregating the second markup and the third markup to create a front page and communicating the front page to the access device”. One would have been motivated to do so in order to *react to the request form the mobile device to deliver the networks content on the fly* (Ndili, Paragraph 0040).

Referring to claim 5, Leamon teaches the limitation:

“the rendering engine creates the third markup language using a file path pointing to the device-specific markup language” (Paragraph 0020 and Figure 2A

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Rendering Engine 60; The rendering engine 60 operates on the pre-formatted information by passing it through a format transformation process designed to reformat the information into a display format compatible with the particular client 40A that requested the information).

Claim 29 is rejected on the same basis as claim 1.

Claim 30 is rejected on the same basis as claim 5.

Claim 33 is rejected on the same basis as claim 1.

Claim 34 is rejected on the same basis as claim 5.

7. Claims 6, 31, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Leamon Ndili and further in view of in view of Barker et al. (hereinafter "Barker") (U.S. Patent Number 6781609).

As per claim 6, Leamon in view of Ndili does not explicitly teach the limitation: "wherein the generic markup language is abstract markup language".

Barker teaches the limitation:

"wherein the generic markup language is abstract markup language" (Column 4 Lines 40-44, i.e., *an abstract UI markup language*).

At the time the invention made, it would have been obvious to a person of ordinary skill in the art to add the feature of using an abstract markup language to the method of Leamon in view of Ndili so that the resultant method would comprise an

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abstract markup language. One would have been motivated to do so because the use of abstract languages is well known in the art.

Claim 31 is rejected on the same basis as claim 6.

Claim 35 is rejected on the same basis as claim 6.

8. Claims 28, 32, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Leamon Ndili and further in view of in view of Nielsen (U.S. Patent Application Publication Number 2004/0205567).\

As per claim 28, Leamon in view of Ndili does not explicitly teach the limitation: "wherein the third markup language is dynamically rendered at runtime when access device is in use".

Nielsen teaches the limitation:

"wherein the third markup language is dynamically rendered at runtime when access device is in use" (Abstract: *A method for dynamically modifying a mark-up language document (e.g. an XML test suite file) during runtime with data unavailable when the mark-up language document is created*).

At the time the invention was made, it would have been obvious to add the feature of dynamically rendering a markup language at runtime, as taught by Nielsen, to

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the method of Leamon in view of Ndili so that the resultant method would dynamically render the third markup language at runtime. One would have been motivated to do so because dynamically rendering a language at runtime is well known in the art: For example, Java run-time compiler and JIT in C Sharp.

Claim 32 is rejected on the same basis as claim 28.

Claim 36 is rejected on the same basis as claim 28.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows.

U.S. Patent Number 7082446 (Bottomley)

10. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dennis Myint

AU-2162

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